

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2380 OF 2005

Felix John D'Costa & others.

... Petitioners

Versus.

Chief Commissioner of Income

Tax, Mumbai and another.

... Respondents.

Shri Prabhakaran i/by Shri S.G.Pillai for the
Petitioners.

Shri S.S.Pakale for the Respondents.

**CORAM : SMT.RANJANA DESAI &
ABHAY S. OKA, JJ.**

DATED : 21st November, 2005.

P.C.:

1. This petition impugns interalia the order dated 18th April 2004 passed by the Central Administrative Tribunal, Mumbai, in Original Application No.781 of 2002. By the impugned order, the order dated 23rd March 2004 is being recalled.

2. We have heard the learned Counsel appearing for the petitioner. By the order dated 23rd March 2004 the petitioners have been placed in the pay-scale Rs.1350-2200 with effect from the date they joined the post of Data Entry Operators to the first instance to the Income Tax Department. It appears that two important letters dated 22nd December 1993 and 11th May 1994 were not shown to the Tribunal. We have perused those letters. In our prima-facie opinion, we feel that

it cannot be said that the said letters have no significance at all. Therefore, the order of recall on the ground that they were not brought to the notice of the Court cannot be faulted.

3. Hence the petition is rejected. We, however, make it clear that nothing said in this order be treated as expression of our opinion on the subject matter of the petition. All contention of the both the sides are kept open.

(Smt.Ranjana Desai, J.)

(Abhay S.Oka, J.)